

IN THE U.S. DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA

RECEIVED

ROBERT WERMUTH,  
PLAINTIFF

2005 NOV 29 A 9:31  
cv-05-644

VS.

SHANNON CARROLL YOUNGBLOOD,  
et., al.,  
DEFENDANT

MOTION TO STAY ALL PROCEEDINGS

Comes now, Robert Wermuth, Plaintiff, Pro-Se, and moves this Court to stay all proceedings in the above styled cause and as grounds for such shows the following:

- 1) Plaintiff filed a motion for "PRODUCTION FOR DOCUMENTS" seeking Standard Operating Procedure for "VEHICLE PURSUIT" and "USE OF FORCE" (K-9's) that govern these actions at the Montgomery Police Department on October 24, 2005.
- 2) "ORDER ON MOTION" entered on October 27, 2005 granting motion for production and giving Defendants until November 16, 2005 to object or otherwise respond to discovery request.
- 3) Defendants on November 16, 2005 entered a motion titled "DEFENDANTS NOTICE OF COMPLIANCE WITH COURT ORDER" claiming they met Court Order but have failed to submit the S.O.P.'s that govern "VEHICLE PURSUIT" and "USE OF FORCE" (K-9's) as clearly requested in paragraphs 8 and 9 of "MOTION FOR PRODUCTION OF DOCUMENTS" entered on October 24, 2005.
- 4) Without the S.O.P.'s it is near impossible for Plaintiff to comply with court order to respond to Defendants defenses and as required by law, met the burden of proving that Defendants acted willfully, maliciously, fraudently, in bad faith, beyond his or her authority, or under a mistaken interpretation of the law as the Court has held in Howard v City of Atmore, 887 so.2d 201 (Ala 2004) quoting Ex Parte Cranman, 792 so.2d 392 (Ala 2000).
- 5) Plaintiff moves this Court to stay all proceedings in this cause until Defendants comply with Plaintiff's request and Court's order to produce S.O.P.'s.

6) Further, Plaintiff moves this Court that upon meeting discovery request that this Court, pursuant to Rule 6(b), A.R.Civ.P., hereby grant an enlargement of time to consume and respond to this Courts order to file a motion of opposition due to limited time and access to the law library here at Easterling Correctional Facility.

Respectfully submitted,

Robert Wermuth 189991 6B-38  
Easterling Corr. Facility  
200 WALLACE DR.  
CLIO, ALABAMA 36017

### Certificate of Service

I hereby Certify that I have served A copy of the foregoing Document by causing it to be PLACED in the U.S. mail, Postage Pre-Paid AND PROPERLY Addressed on this 28<sup>th</sup> day of November, 2005 to the following:

Kimberly D. Fehl  
City of Montgomery  
Legal Department  
103 N. PERRY ST.  
MONTGOMERY - ALABAMA  
36104

Office of the Clerk  
U.S. District Court  
P.O. Box 711  
Montgomery, Alabama  
36101-0711